UNITED STATES DISTRICT COURT WESTERN DISTRICT OF PENNSYLVANIA PITTSBURGH DIVISION

R. CATHY REARDON)
On behalf of herself and all)
similarly situated individuals,)
)
Plaintiffs,) Civil Action No. 2:08-cv-1730MRK
v.)
CLOSETMAID CORPORATION,) Hon. Judge Mark R. Hornak
)
Defendant.) Class Action

PLAINTIFF'S MOTION IN LIMINE TO BAR THE RELITIGATION OF CLASS CERTIFICATION

Comes Now the Plaintiff, R. Cathy Reardon ("Reardon"), on behalf of herself and the class, and she moves in Limine to Bar the Relitigation of Class Certification, she states as follows:

Plaintiff moves in limine to bar any argument that asks the jury to reconsider the elements of Fed. R. Civ. P. 23 already established on class certification and determined by the Court's April 27, 2011 Order. (Docket No. 51):

- "ClosetMaid's hiring process was not a 'linear process' and as such, every position and every candidate is different and handled individually." Docket No. 139, at 3.
- "ClosetMaid rejected applicants based in whole or in part on the contents of their consumer reports in only a handful of instances." *Id*.
- "Moreover, in all but a few isolated instances, ClosetMaid never based its hiring decisions in whole or in part on the content of its applicants' consumer reports." *Id.* at 8.
- "Whether Class Representative Reardon can adequately represent class members who did not signed the same Disclosure and Authorization forms as she signed [, and] [w]hether Class Representative Reardon can adequately represent sub-class members who did not experience an adverse employment action or who did not experience an adverse employment action based in whole or in part on the

contents of their consumer report." Id. at 17.

In support of this motion, Plaintiff submits the following Memorandum of Law, which is incorporated by reference herein.

Respectfully submitted,

By: <u>s/James M. Pietz</u>

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Counsel for the Representative And Class Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, on this 27th day of November, 2013, I caused a true and correct copy of Plaintiff's Motion In Limine to Bar the Relitigation of Class Certification be served by way of ECF Notification upon the following counsel of record for the Defendant:

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